



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY - 9 2001

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Ms. Tracy Mattson  
Institute of Scrap Recycling Industries  
1325 G Street, NW Suite 1000  
Washington, DC 20005-3104

Dear Ms. Mattson:

This letter responds to your letter and electronic transmission of April 13, 2001. I also hope that this letter better characterizes the limitations of the Environmental Protection Agency's (EPA's) actions when proposals are not fully supported by data. The PCB regulations provide for the disposal of PCB bulk product waste in a facility that is permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill. This disposal option is available to non-metal waste resulting from the shredding of scrapped automobiles and household white goods, if liquid-filled small PCB capacitors have been removed from the feedstock prior to shredding (see 40 CFR 761.62(b)(1)(i)). However, shredding as a form of disposal or as processing for disposal of other forms of PCB waste, such as PCB articles (e.g. PCB small capacitors), PCB liquids, or PCB remediation waste is not directly authorized in the PCB regulations. It is possible that some PCB wastes, which are not PCB bulk product wastes and not a component of automobiles or household waste, could be included in the feedstock to a shredder. The inclusion of such wastes in shredder feedstock would result in the unauthorized disposal of PCBs, regardless of whether the disposal is intentional or accidental, and is not in accordance with the PCB disposal regulations. Also, when these other PCB wastes are shredded and then disposed of in a landfill approved for the disposal of PCB bulk product waste, the shredding process and/or land disposal may pose an unreasonable risk of injury to health or the environment at either the shredder or the disposal site.

EPA recognizes that shredder facilities have long used source control programs for other hazardous wastes by requiring the removal of items such as lead/acid batteries and fluids such as gasoline and antifreeze. The Institute of Scrap Recycling Industries (ISRI) and shredder facility owners have indicated that most but not necessarily all of the PCB waste, other than PCB bulk product waste, could be removed from the shredder feedstock before shredding using a "source control" program.

The PCB disposal regulations do not require shredders to obtain EPA approval of their source control programs. Nonetheless, ISRI has expressed an interest in obtaining a single approval that would be applicable nationwide, on a voluntary basis. ISRI has advised EPA that "source control" programs currently in use by its membership remove sources of PCBs, other than PCB bulk product waste, from the shredder feedstock, or otherwise assure that such PCBs are not present in the feedstock of scrapped automobiles and household white goods. EPA and ISRI have had extensive discussions about the type of information EPA would need for a single national approval. These discussions looked at what was or could be included in a single "national" source control program, which could be used by all shredders. The identity (owner and location) of the "approved" shredder and the recording and/or reporting of the results of the analysis of shredder wastes which have been collected over the period of the approval are essential to an EPA-approved source control program. The identity of the shredder and the data would be public information. An approval cannot be issued to an umbrella association (i.e., ISRI) because it exercises no control over the day-to-day operations of its members and assumes no responsibility or liability for the actions of its members. The regulations require each shredder wanting an approval to apply to the appropriate Regional office or, where the owner has two or more identical facilities in more than one EPA Region, to the National Program Chemicals Division.

After considering the information provided by ISRI during these discussions, we have determined that approvals of source control programs unique to each shredder are best accomplished through the EPA Regional offices on a shredder-by-shredder basis. We have learned a great deal about the differences in the operations of scrap metal recycling facilities from the information provided by ISRI. From the ISRI information, we have also learned about the variety of ways that shredder facilities manage the various types of feedstock that are shredded in the recovery of scrap metal, from different types of suppliers (e.g. individuals, compacting intermediaries who supply numerous pre-processed autos/white goods, industrial suppliers, and municipalities). The extensive, informative discussions with ISRI have convinced us that these differences between facilities are so great that a single, enforceable national approval that allows shredders to continue to use their unique site-specific source control programs is not possible. This approach would meet both EPA's and the shredder facility objectives: (1) EPA's objective of a site-specific risk management program which results in an enforceable approval of the source control process at both a shredder and a shredder's disposal site, and (2) the shredder's objective of a unique, facility-specific source control approach acceptable to EPA.

We appreciate ISRI's efforts and information which allowed the development of criteria which can be used by the EPA Regions to speed up the approval process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Baney', with a stylized, cursive script.

Tony Baney  
Acting Associate Director  
National Program Chemicals Division

cc: EPA Regional TSCA PCB Coordinators  
Geraldine Gardner, OECA  
Bill Guerry, Collier Shannon Scott (SMA)